IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8477 OF 2007

Laxman Narayan Kashid ...Petitioner
since deceased, through heirs

Versus

Smt.Umabai Mahadeo Dhadphale ....Respondents

Nitin Deshpande for the petitioner.

CORAM: S.C.DHARMADHIKARI, J.

4th December, 2007.

P.C. :

1. It is not necessary to interfere with the order under challenge refusing to stay the suit in question. Admittedly, the case of the petitioner as raised before the trial court and this court in the present petition is that, the purchase price was fixed of the suit lands. However the Maharashtra Revenue Tribunal allowed the Revision Application of the respondent before this court and a Writ petition under Article 227

of the Constitution of India has been filed by the present petitioner and respondent no.2 which is pending. In these circumstances, even rejection of the instant application does not prevent the petitioner from contending that the regular civil court will have no jurisdiction to entertain and try the instant suit. If that plea is raised and such an issue arises, it must be decided in accordance with law irrespective of whether the application under Section 10 made by the present petitioner is rejected or not. With this clarification no reason to interfere. Petition dismissed. No costs.

sd/-

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